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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/737,926      | 12/15/2000  | Kevin B. Coleman     | MPZ-001.03          | 1074             |

7590 04/01/2005

KENNETH F. KOZIK  
FISH & RICHARDSON  
225 FRANKLIN STREET  
BOSTON, MA 02110-2804

EXAMINER

GART, MATTHEW S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3625

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,926

Applicant(s)

COLEMAN, KEVIN B.

Examiner

Matthew s Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/10/04, 6/21/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-15 are pending in the instant application. Claim 1 is independent.

### **Examiner's Comments**

A copy of the non-final office action mailed on 11/23/2004 is provided in Appendix A for the convenience of the applicant. This final office action is issued in response to Applicant's Amendment filed 2/25/2005. The Amendment filed 2/25/2005 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 2/25/2005 have been fully considered but they are not persuasive.

The Applicant argues that Heckerman does not teach, "on a graphical user interface (GUI), providing a plurality of questions on the web page, the questions free of requiring a user to explicitly weight the importance of the user's response relative to their corresponding questions."

The Examiner notes, Heckerman does not require a user to explicitly weight the importance of the user's response relative to their corresponding questions.

Heckerman explicitly recites, "the user may optionally input an indication of how strongly they feel about the like or dislike." (Heckerman: column 3, lines 35-38).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

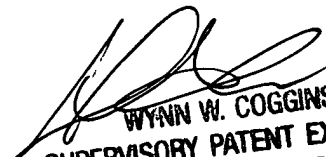
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG  
Patent Examiner  
March 21, 2005



WYNN W. COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

## **APPENDIX A**



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7590

11/23/2004

KENNETH F. KOZIK  
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225 FRANKLIN STREET  
BOSTON, MA 02110-2804

EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**DETAILED ACTION**

1. This action is issued in response to applicant's Amendment filed 9/27/04.
2. Claims 1,4,8,10,11 were amended. No claims were deleted. None were added.
3. Claims 1-15 as amended are pending.

***Claim Rejections - 35 USC § 102***

4. Claims 1-10,12-14 as amended are rejected under 35 USC 102(b) as anticipated by Heckerman(US Pat. No: 6,633,852).
- 5.(AMENDED) As per claim 1 Heckerman teaches a method for providing interactively unbiased information on a web page(Abstract)(col 5 lines 25-32) and receiving at least one response from customers to questions(col 5 lines 48-50) and evaluating the response to each of the questions against predetermined criteria(col 5 lines 50-52) and changing the unbiased information on the web page against the user's evaluating activity(col 5 lines 52-58).
6. As per claim 2 Heckerman teaches a method according to claim 1 wherein evaluating the responses against the predetermined criteria further comprises creating inferences based on the responses(Fig 14/1406/1402)(col 15 lines 53-55).
7. As per claim 3 Heckerman teaches a method according to claim 1 wherein evaluating responses against predetermined criteria further comprises converting the responses to at least one logical expression(Fig 11/1102/1110/1112) and characterizing the information based on the logical expressions(Fig 11A/1112)(col 14 line 1-col 15 line 5).
- 8.(AMENDED) As per claim 4 Heckerman teaches a method according to claim 1 wherein changing the unbiased information on the web page based on evaluating



further comprises identifying product information(col 4 lines 7-16) and extracting a subset of the identified product information based on the responses(col 4 lines 16-26) and presenting this information(col 4 lines 26-29).

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9. As per claim 5 Heckerman teaches a method according to claim 1 further comprising generating at least one derived measure from the responses(col 4 lines 26-29).

10. As per claim 6 Heckerman teaches a method according to claim 5 further comprising inputting the derived measures into a fuzzy logical engine(col 6 lines 34-52).

11. As per claim 7 Heckerman teaches a method according to claim 5 further comprising assigning a membership grade to the derived measures (col 8 lines 1-43).

12.(AMENDED) As per claim 8 Heckerman teaches a method according to claim 1 wherein changing the unbiased information on the web page further includes identifying product information(col 4 lines 7-16) and weighting membership grades associated with the product information by a fuzzy logic engine(col 10 lines 47-59).

13. As per claim 9 Heckerman teaches a method according to claim 8 further comprising filtering the membership grades based on responses(col 4 line 30-59).

14.(AMENDED) As per claim 10 Heckerman teaches a method according to claim 1 further comprising identifying new unbiased information based on the responses(Fig 14)(col 15 lines 53-55).

15. As per claim 12 Heckerman teaches a method according to claim 1 further comprising based on the responses combining membership grades from a fuzzy logic engine(col 10 lines 47-59)(col 10 line 66-col 11 line 2).

16. As per claim 13 Heckerman further teaches a method according to claim 12 for combining membership grades to teach an intersect of membership grades(col 11 lines 4-27).

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17. As per claim 14 Heckerman teaches a method according to claim 12 wherein combining membership grades further comprises a union of membership grades(col 11 line 39-col 12 line 4).

***Claim Rejections - 35 USC § 103***

18. Claims 11,15 as amended are rejected under 35 USC 103(a) as unpatentable over Heckerman(US Pat. No: 6,633,852).

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19.(AMENDED) As per claim 11 Heckerman teaches a method according to claim 10 further comprising providing at least one web page based on information.(Fig 3/306).Heckerman does not specifically teach an additional page for new information. It would have been obvious to one skilled in the art at the time of the invention that output to a web page may include output to any arbitrary number of (additional) web pages for additional information. The motivation is to enable delineation of updated information across web pages for definition in time.

20. As per claim 15 Heckerman teaches a method according to claim 1 further comprising identifying the responses(Fig 11A)(Fig 14)(col 5 lines 48-50). Heckerman does not specifically teach that the responses are sequenced or non-sequenced. It would have been obvious to one skilled in the art at the time of the invention that the

responses could be ordered. The motivation for this is to assist in the selection of a product through progressive narrowing of possibilities based on responses that were ordered or sequenced.

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***Response to Arguments***

21. Applicant's arguments are moot in view of the new grounds of rejection.

***Conclusion***

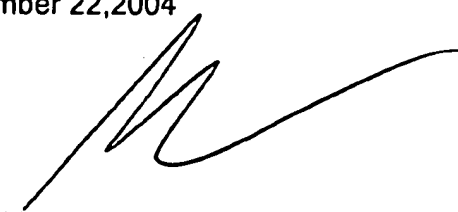
22. **THIS ACTION IS MADE NON FINAL.**

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23. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mrs. Wynn Coggins, SPE, may be telephoned at (703)-308-1344.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

November 22, 2004



DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER